King County	Department of Adult and Juvenile Detention Adult Divisions General Policy Manual	
	Chapter 6 **Resident Classification and Discipline**	
6.04.001 - Prison Rape Elimination Act (PREA)	Approved By:	Director Allen Nance
	Effective Date:	January 07, 2026
	Reviewed By:	PRC Committee, PAO, PREA Coordinator
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Purpose
To establish procedures to prevent, detect, and respond to all forms of sexual abuse and sexual harassment.

Policy
Department policy mandates zero tolerance toward all forms of sexual abuse and sexual harassment. The occurrence of sexual abuse and sexual harassment undermines the public support of law enforcement, creates a hostile environment, and is not consistent with the department's mission of operating safe, secure, and humane detention facilities.

References

Federal:	Prison Rape Elimination Act (PREA)
RCW's:	9a.44.160 - 1st Degree Custodial Sexual Misconduct
	9a.44.170 - 2nd Degree Custodial Sexual Misconduct
	42.56 - Public Records Act
King County Policy:	2021-0012 Nondiscrimination, Anti-Harassment & Inappropriate Conduct Policy & Reporting Procedures
Department Policies:	1.01.005 - Executive Duty Officer (EDO)
	1.01.017 - Public Information Officer
	1.04.003 - Emergency Relief from Duty
	4.01.021 - Evidence Collection and Storage
	6.03.007 - Transgender Residents
	Resident Information Handbook
Memorandum of Understanding (MOU):	Kent Police Department (KPD)
	Seattle Police Department (SPD)
Department Form:	PREA Response and Containment Checklist (F-720)

Definitions
Sexual Abuse:
1. Sexual abuse of a resident or detainee by another resident or detainee includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
   a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.

b. Contact between the mouth and the penis, vulva, or anus.
c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation; and
e. Sexual abuse of a resident or detainee by a staff member, contractor, or volunteer.

2. Sexual abuse of a resident or detainee by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the resident or detainee:
   a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
   b. Contact between the mouth and the penis, vulva, or anus.
   c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
   d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
   e. Any other intentional contact, either directly or through the clothing of, or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
   f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a) through (e) of this definition.
   g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident or detainee; and
   h. Voyeurism means an invasion of privacy of a resident by a staff member, contractor or volunteer for reasons unrelated to official duties.

Sexual Harassment:

1. Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident or detainee directed toward another.
2. Repeated verbal comments or gestures of a sexual nature to a resident or detainee by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

A. General Guidelines

1. The department shall cooperate fully with Federal, State, and other local officials in fulfilling the requirements of PREA.
2. The department shall designate an agency wide PREA Coordinator, and each facility shall have a PREA compliance manager to coordinate the department's efforts to comply with PREA standards.
3. Should the department contract for the confinement of residents with other entities, including other government agencies, any new contract or contract renewal shall include the entity's obligation to adopt and comply with PREA standards. Any new contract or contract renewal shall provide for agency contract monitoring to ensure the contractor is complying with PREA standards.

4. The department shall ensure any facility it operates has a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect residents against sexual abuse.
   a. Any deviations from the staffing plan need to be documented and justified.
5. Whenever necessary, but no less frequently than once each year, in consultation with the PREA coordinator, the agency shall assess, determine, and document whether adjustments are needed to:
   a. The staffing plan that provides for adequate levels of staffing
   b. The facility's deployment of video monitoring systems and other monitoring technologies
   c. The resources the facility has available to ensure adherence to the staffing plan.
6. The department shall ensure all employees, contractors, vendors, and volunteers who have contact with residents have been trained on how to best comply with PREA standards. This training shall occur during New Employee Orientation, with refresher training occurring every two years. Training for contractors, vendors, and volunteers shall occur during initial orientation.
7. Neither the department nor King County shall hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents who:
   a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institutions (as defined in 42 U.S.C. 1997).
   b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse, or
   c. Has been civilly or administratively adjudicated to have engaged in the activity described in 7b above.
8. The department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.
9. The department shall establish procedures to provide disabled residents equal opportunity to participate in or benefit from all aspects to prevent, detect, and respond to sexual abuse and sexual harassment.
10. When the department learns a resident is subject to a substantial risk of or imminent risk of sexual abuse, it shall take immediate action to protect the resident.
11. Staff shall accept reports regarding an incident of sexual abuse or sexual harassment made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
12. A grievance alleging a resident is subject to substantial risk of imminent sexual abuse shall be responded to immediately. DAJD shall provide an initial response within 48 hours and issue a final written determination within 5 calendar days of the initial filing of the grievance as to whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the grievance.
13. Residents shall not be required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse and/or sexual harassment.
14. All staff are required to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether the correctional facility is part of the department or another corrections agency.

This is to include but not limited to information regarding retaliation against residents or staff who reported an incident; and any staff neglect or violation of staff duty that may have contributed to an incident or retaliation.

15. Staff shall not reveal any information related to a sexual abuse report, responses to PREA risk assessment questions, and overall risk score, to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.
16. Staff shall not reveal a resident's transgender status to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.
17. Multiple protection measures shall be taken, such as consideration of housing changes or transfers for resident victims or abusers; removal of alleged staff, volunteers, contractors, or resident abusers from contact with victims; or emotional support services for residents or staff who fear retaliation for reporting sexual abuse, sexual harassment, or for cooperating with investigations.
18. An administrative or criminal investigation shall be completed for all allegations of sexual abuse and sexual harassment. If there is evidence to corroborate criminal behavior, the allegations shall be referred to the Seattle Police Department or the Kent Police Department for the appropriate agency to conduct the criminal investigation.
19. Prior to being assigned to investigate an allegation of sexual abuse, staff members shall receive specialized training in:
    a. Techniques for interviewing sexual abuse victims.
    b. Proper use of Miranda and Garrity warnings.
    c. Sexual abuse evidence collection in correctional settings; and
    d. The criteria and evidence required to substantiate a case for administrative action or referral for possible criminal prosecution.
20. The Department shall maintain documentation of all staff members who have received specialized training in sexual abuse investigations.
21. The evidentiary standard for administrative investigations substantiating allegations of sexual abuse or sexual harassment, shall be no higher than a preponderance of the evidence.
22. Administrative investigations of sexual abuse or sexual harassment shall:
    a. Include an effort to determine whether staff actions or failures to act contributed to the abuse.
    b. Be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and the investigative facts and findings; and
    c. Not be terminated due to the departure of the alleged abuser or victim from a department facility.
23. DAJD will assess investigations completed by an outside entity and, when necessary, conduct an administrative investigation to ensure every sexual abuse case has been investigated in accordance with PREA regulations.
24. Following an investigation into a resident's allegation they suffered sexual abuse or sexual harassment while in Department custody, the Department shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded and this notification shall be documented.
25. Following a resident's allegation that they have been sexually abused by another resident, the Department shall subsequently inform the alleged victim whenever:

a. The Department has learned the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.
b. All such notifications shall be documented.
c. The Department's obligation to report under this standard shall terminate if the resident is released from custody.

26. Following a resident's allegation that they have been sexually abused by a staff member, the Department shall subsequently inform the alleged victim (unless the Department has determined the allegation to be unfounded) whenever:
    a. The staff member is no longer posted in the resident's housing area.
    b. The staff member is no longer employed by the Department.
    c. The Department learns that the staff member has been indicted on a charge related to sexual abuse within the facility.
    d. The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
27. The department shall refer PREA complaints found as a result of a criminal investigation, to be factually untrue (false complaints) and determined not to have been made in good faith based upon a reasonable belief that the alleged conduct occurred to the Prosecuting Attorney's Office for determination of charges against the complainant.
28. Staff shall be subject to disciplinary sanctions up to and including termination for violating Department sexual abuse or sexual harassment policies.
    a. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
29. The department shall protect all residents and staff who report sexual abuse or sexual harassment, or cooperate with sexual abuse or sexual harassment investigations, from retaliation by other residents or staff. For at least 90 days following a report of sexual abuse, a designated staff member shall monitor the conduct and treatment of residents, or staff who reported the sexual abuse, and of residents who were reported to have suffered sexual abuse, to see if there are changes that may suggest possible retaliation by residents or staff and shall act promptly to remedy any such retaliation.
30. The department shall terminate monitoring if after investigating, the allegation is unfounded.
31. If the allegation of sexual abuse or sexual harassment involves a staff member, the department shall ensure that the alleged perpetrator(s) and victim are separated through appropriate placement, segregation, transfer, or administrative leave.
32. The department shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
33. The PREA Coordinator shall aggregate the incident-based sexual abuse data and prepare an annual report in order to assess and improve the effectiveness of the department's sexual abuse prevention, detection, and response policies, practices, and training. Data collected to develop the annual report shall include information reported on the most recent version of the Survey of Sexual Violence, conducted by the Department of Justice, and be securely stored by the Internal Investigations Unit (IIU) and designated department staff. The annual report shall be available on the department's website.

B. Procedures

1. Resident Booking:

a. At booking, each resident shall be offered a resident handbook in an accessible format to them with information explaining the department's zero-tolerance policy, their rights to be free from sexual abuse and sexual harassment, and multiple ways to report sexual abuse and sexual harassment.
b. Each resident shall watch an accessible format video explaining the department's zero-tolerance policy and their rights to be free from sexual abuse and sexual harassment. This may not occur if there are safety and security concerns preventing the resident from watching the video.
c. All residents shall be assessed during a classification intake screening and upon transfer to another facility within 72 hours using an objective screening instrument for their risk of being sexually abused by other residents or sexually abusive toward other residents. Within a set time period, not to exceed 30 days from the resident's arrival at a facility, classification will reassess all resident's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. Thereafter, when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information.

2. Resident Housing:
   a. Corrections Programs Specialist (CPS) shall use information from the classification intake screening to make housing, bed, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive.
   b. Residents at high risk for sexual victimization shall not be placed in involuntary restrictive housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a classification officer cannot conduct such an assessment immediately, the department may hold the resident in involuntary restrictive housing for less than 24 hours while completing the assessment.
3. Staff Response to Incident or Allegation of Sexual Assault or Sexual Harassment:
   a. Any staff member becoming aware of sexual assault, sexual harassment, or the accusation of sexual assault or sexual harassment shall:
      1) Separate the alleged victim and abuser.
      2) Inform the alleged victim:
         a) That department staff can and will help.
         b) Of the importance of receiving help in dealing with the situation.
         c) To get help, he or she does not need to make an official report or identify the assailant(s).
      3) If the sexual assault happened within the past 120 hours, request the alleged victim and require that the alleged suspect not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating until he or she has been examined by Jail Health Services (JHS) staff and/or an outside medical provider.
      4) Immediately notify the duty sergeant.
      5) Preserve and protect any crime scene until steps can be taken to collect evidence.
      6) Collect and document information without jeopardizing the resident's safety, identity, and confidence. Key data and information includes:
         a) Alleged victim information (name, BA#, Title, etc.).
         b) Alleged perpetrator information (name, BA#, Title, etc.).
         c) Date, time, and location of alleged incident.

d) Details of the alleged incident.

7) Notify JHS medical and psychiatric staff. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, officers shall take preliminary steps to protect the victim, and if medically indicated, shall transport the victim to a qualified medical facility.
8) Notify classification staff, who shall then:
   a) Assign residents to a new location if needed to keep the alleged victim and abuser separate, preferentially moving the suspect resident if possible.
   b) Enter a "Keep Separate From" in both alleged resident's histories.
   c) Reassess both the alleged victim and abuser resident's risk level as warranted due to this referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness.
9) Prepare and forward written reports to your supervisor regarding the incident, including all statements made by the resident.
10) Provide a method for staff to privately report sexual abuse and sexual harassment of residents.
11) Inform the alleged victim of staff duty to make a report and the limitations of confidentiality due to the fact that all information directly relevant to sexual misconduct must be reported by law.

b. The duty sergeant shall:
   1) Assist with and ensure that appropriate investigative steps are taken.
   2) Notify the shift commander.
   3) Ensure that the crime scene is secured, and the chain of evidence is not compromised following protocols set forth in department policy 4.01.021 - Evidence Collection and Storage.
   4) Collect and prepare written reports regarding the incident.
   5) Assist JHS staff with their response, as necessary.
c. The shift commander shall:
   1) If the incident involves a staff member, follow department policy 1.04.003 - Emergency Relief From Duty.
   2) Arrange for the resident's transport to a qualified medical facility, as necessary.
   3) Contact outside law enforcement agencies, as necessary.
   4) Immediately notify a department criminal investigator and/or the IIU commander and request their assistance.
   5) Notify the division major and EDO, following department policy 1.01.005 - Executive Duty Officer (EDO).
   6) Collect, prepare, and forward to the division major all written reports regarding the incident.
   7) If notified of an allegation made by a resident that he or she was sexually abused when confined at another facility:
      a) Document such allegations.
      b) The facility Commander or designee will notify the agency where the alleged abuse occurred and document the notification. Notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. If allegations are received from other confinement facilities regarding an incident that allegedly occurred in a department facility, the incident shall be investigated in accordance with PREA standards.

d. The division majors shall:
   1) Review all written reports regarding incidents of sexual assault within the facility.
   2) Identify any patterns that occur, such as common locations, circumstances, etc.
   3) Identify and arrange for any additional training deemed necessary.
   4) Ensure annual reports are prepared as mentioned in the General Guidelines above.

e. The department director shall:
   1) Participate (or select a designee to partake) in public hearings or other processes at the request of federal, state, or local officials.
   2) Designate a liaison(s) with federal, state, and other local officials as necessary.
   3) Take additional steps as necessary for the elimination of sexual assaults within the department.
   4) Approve the annual PREA report and make it available to the public via the department's web site.

5. Protection against retaliation:
   a. IIU/SIU shall notify classification supervisors of the need for retaliation monitoring after initial contact with complainant and witness is complete.
      1) Interviewing or meeting with the alleged victim after receiving notification of the allegations
      2) Reviewing grievances, classification changes (housing, transfers, etc.), and discipline actions or infractions, etc.
      3) Classification specialist shall conduct retaliation monitoring for individuals identified by IIU/SIU every 30 days for all substantiated and unsubstantiated PREA cases and any investigation which is open longer than 30 days, unless deemed as unfounded prior to the 90-day time frame.
      4) Periodic status checks to determine if additional actions are necessary.
6. Opposite Gender Announcement:
   a. All department staff entering a resident housing unit, who are of the opposite gender of the resident's housed in the unit, shall verbally announce their presence.
      1) If the announcement is made by the staff member entering the unit, a verbal announcement of title and name (e.g., "Officer Smith on deck"), shall suffice.
      2) If the announcement is made by the unit officer, who is of the same gender as the unit, it shall be more specific and include the gender of the individual entering the unit (e.g., "female on deck", or "male on the unit").
      3) It shall be the responsibility of all staff to ensure the appropriate announcement is made.
   b. Supervisors performing unannounced supervisory rounds, (pursuant to 115.13(d)), shall not be exempt from the opposite gender announcement.

C. Third Party Reporting

1. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse or sexual harassment, and shall also be permitted to file such requests on behalf of residents.
2. If a third-party files such a request on behalf of a resident, DAJD may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

3. If the resident declines to have the request processed on his or her behalf, DAJD shall document the resident's decision.